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11 *Attorneys for Plaintiff, The Bank of New York Mellon FKA The Bank of New York, as Trustee for*  
12 *the Certificateholders of CWALT, Inc., Alternative Loan Trust 2006-OA3, Mortgage Pass-*  
13 *Through Certificates, Series 2006-OA3*

9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 THE BANK OF NEW YORK MELLON FKA  
12 THE BANK OF NEW YORK, AS TRUSTEE  
13 FOR THE CERTIFICATEHOLDERS OF  
14 CWALT, INC., ALTERNATIVE LOAN  
15 TRUST 2006-OA3, MORTGAGE PASS-  
16 THROUGH CERTIFICATES, SERIES 2006-  
17 OA3, a Delaware Corporation,

18 Plaintiff,

19 vs.

20 SFR INVESTMENTS POOL 1, LLC, a Nevada  
21 Limited Liability Company,

22 Defendants.

Case No.: 2:16-cv-00050-GMN-GWF

**STIPULATION AND ORDER TO STAY  
LITIGATION PENDING A DECISION ON  
BOURNE VALLEY**

23 Plaintiff, The Bank of New York Mellon FKA The Bank of New York, as Trustee for the  
24 Certificateholders of CWALT, Inc., Alternative Loan Trust 2006-OA3, Mortgage Pass-Through  
25 Certificates, Series 2006-OA3 (hereinafter “BONY”), and Defendant, SFR Investments Pool 1,  
26 LLC (hereinafter “SFR”), by and through their respective counsels of record, hereby stipulate  
27 and agree as follows:

- 28 1. This lawsuit involves the parties seeking quiet title/declaratory relief and other claims  
related to a non-judicial homeowner’s foreclosure sale conducted on a Property

- 1           pursuant to NRS Chapter 116.
- 2           2. On August 12, 2016, the Ninth Circuit issued a decision in Bourne Valley Court Trust
- 3           v. Wells Fargo Bank, 2016 WL 4254983 (9th Cir. Aug. 12, 2016) holding that NRS
- 4           Chapter 116 is facially unconstitutional. A petition for rehearing was filed by the
- 5           petitioner in Bourne Valley on August 26, 2016.
- 6           3. The parties agree to stay all discovery and pre-trial deadlines set forth below pending
- 7           a resolution of Bourne Valley.

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1 4. The current discovery deadlines are as followed:

- 2 a. Deadline to Complete Discovery: 12-26-2016  
3 b. Deadline to Disclose Experts: 10-27-2016  
4 c. Deadline to Disclose Rebuttal Experts: 11-28-2016  
5 d. Deadline to File Dispositive Motions: 1-25-2017  
6 e. Deadline to Submit Pre-Trial Order: 2-24-2017

7 5. The parties will submit a new Proposed Discovery Plan and Scheduling Order within  
8 thirty (30) days after a resolution of Bourne Valley is entered by the Ninth Circuit.

9 DATED this 28th day of September, 2016.

DATED this 6th day of October, 2016.

10 **WRIGHT, FINLAY & ZAK, LLP**

**KIM GILBERT EBRON**

11 /s/Chelsea A. Crowton, Esq.

/s/ Diana Cline Ebron, Esq.

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17 *Mellon FKA The Bank of New York, as Trustee*  
18 *for the Certificateholders of CWALT, Inc.,*

*Attorney for Defendant, SFR Investments*  
*Pool 1, LLC*

19 *Alternative Loan Trust 2006-OA3, Mortgage*  
20 *Pass-Through Certificates, Series 2006-OA3*

**ORDER**

**IT IS HEREBY ORDERED** that this case is administratively **STAYED** pending exhaustion of all appeals of *Bourne Valley Court Trust v. Wells Fargo Bank*, No. 15-15233 (9th Cir. Aug. 12, 2016). Once exhaustion occurs, any party may move to lift the stay. Until that time, all proceedings in this action are stayed.

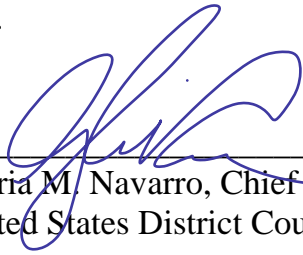
**IT IS FURTHER ORDERED** that all pending motions are **DENIED** without prejudice with leave to refile within twenty-one days after the stay is lifted.

**IT IS FURTHER ORDERED** that current occupant, SFR Investments Pool 1, LLC (“SFR”), who purchased the Property at the HOA foreclosure sale, shall care for, preserve, and maintain the Property.

**IT IS FURTHER ORDERED** that, beginning on April 18, 2017, the parties must file a joint status report updating the Court on the status of this case every one-hundred and eighty days. Along with the joint status report, SFR shall submit a statement affirming that all expenses necessary to maintain the property, including but not limited to, timely and full payment of all homeowners association assessments, property taxes, and property insurance premiums due and owing or past due at any time during the effective period of this Stay are current and up to date.

**IT IS FURTHER ORDERED** that this Order does not prevent the parties from continuing to engage in settlement conference negotiations with the assistance of the Magistrate Judge.

**DATED** this 17 day of October, 2016.

  
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Gloria M. Navarro, Chief Judge  
United States District Court